

Hamilton County LAW LIBRARY

NEWS

Professional legal information, services, and education

October 2021

Your Health Plan May No Longer Be Affordable – IRS Lowers Affordability Percentage, by Lyndsey Barnett, Graydon

If you are a large employer required to provide health plan coverage to avoid the employer mandate shared responsibility penalties, it is prudent to reevaluate your health plan contribution structure each year before open enrollment to ensure that your plan is still “affordable.” Since the passage of the ACA, it is no longer a strategy to set it and forget it with your premiums. Most employers were diligent about calculating affordability in the first few years the shared responsibility penalties were in effect, but we have seen some start to get lax on continuing to do it each year. Since the change in Administration, we are already seeing an increased focus on ACA compliance and expect to see a ramp up in employer penalty notification. A failure to consider whether your plan is affordable when passing through any premium increases could result in an unintended penalty for each employee who enrolls in exchange coverage and qualifies for financial assistance. And even if you do not increase your premiums at all this year, what was affordable last year may be unaffordable this year due to a reduction in the affordability percentage. In order to be considered to have offered an affordable plan, the employer must have at least one health plan option where the employee’s share of single coverage is less than the affordability percentage mul-

tiplied by the employee’s household income. The IRS adjusts the affordability percentage each year and for 2022 the cost of single coverage must be less than 9.61% of an employee’s household income in order to be affordable. This 9.61% is the same percentage that employers need to use when relying on the federal poverty level, rate of pay, or W-2 affordability safe harbor. The 9.61% is down from the 2021 percentage, which was 9.83%. Because this percentage went down, employers could end up with an unaffordable plan this year when it was affordable last year even if everything else stayed exactly the same. For example, if using the rate of pay safe harbor, premiums for an employee making \$15/hour were affordable in 2021 if they were less than \$191.68. In 2022, for that same employee, the premium is affordable if less than \$187.39. If you need assistance in determining whether your plan is affordable or which safe harbor would be best, please contact any member of the Graydon employee benefits team.

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<http://lawlibrary.hamilton-co.org>

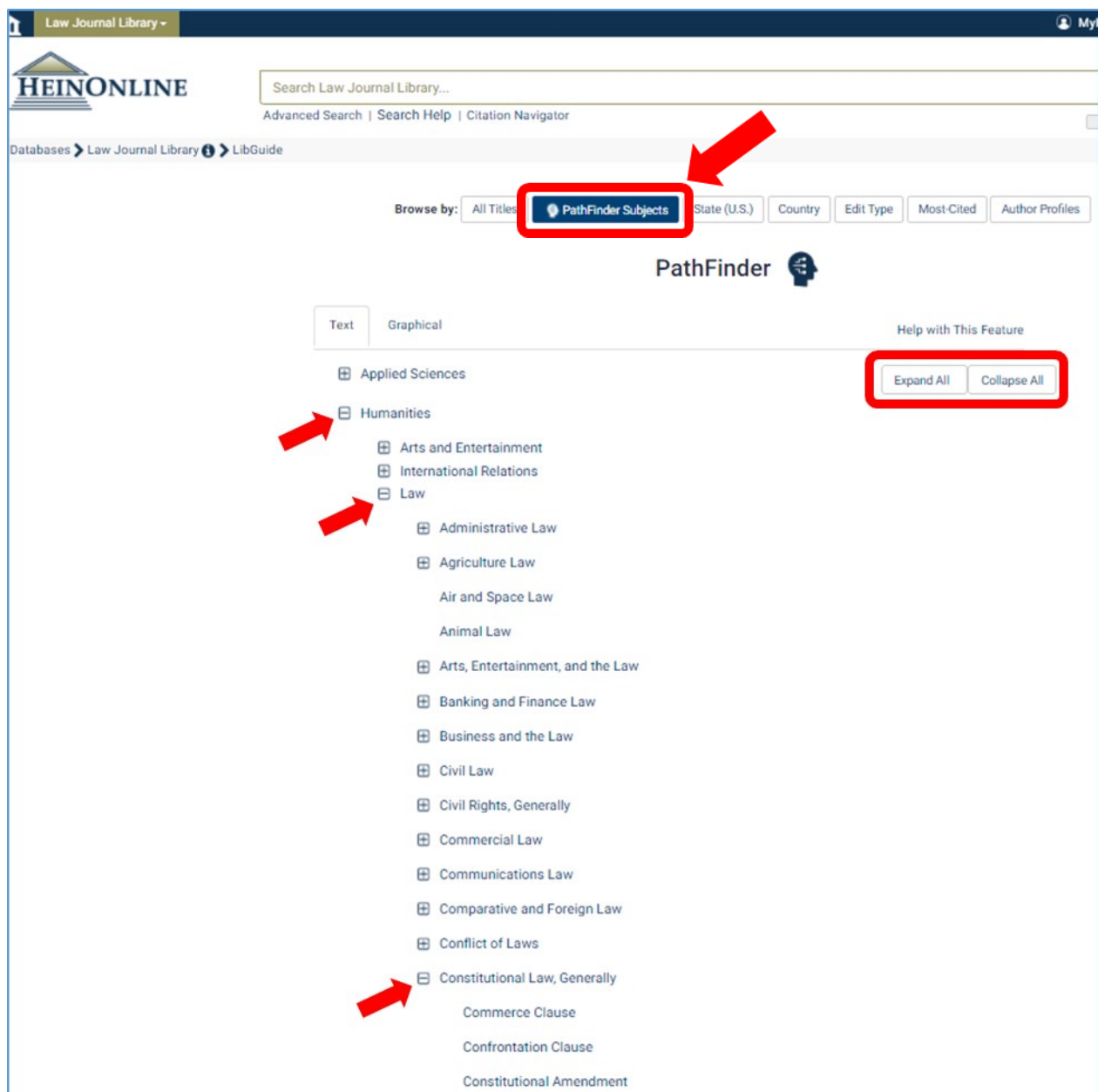
M-F 7am-4pm

Tech Tip: HeinOnline's Pathfinders, a suite of browse and search tools for subject-specific research

reprinted from [HeinOnline](#) and edited by Julie Koehne, Systems Librarian

Once in HeinOnline, to start using PathFinders, navigate to the Law Journal Library database landing page, where you'll find a new PathFinder Subjects browse option.

The text version of the PathFinder hierarchy appears by default. Right away, we can see PathFinder's five most broad levels: Applied Sciences; Humanities; Industries; Natural and Formal Sciences; and Social Sciences. Within them, you can see about 40 slightly more nuanced subjects. You can expand and collapse the entire hierarchy by using the buttons on the right-hand side. In addition, you can also dive into any of these subjects by expanding them individually.



Select a subject at any level to view search results which have been assigned that subject. You will additionally be brought to a unique search results page that features the entire hierarchy on the left-hand side, helping you to remember exactly where your chosen subject falls within PathFinder.

The screenshot displays the HeinOnline PathFinder interface. At the top, the 'Law Journal Library' is selected. The search bar contains the query 'all_topics_ms:"Commerce Clause"'. Below the search bar, the results are listed as 'Results 1-10 of 5,083 items searching for (all_topics_ms:"Commerce Clause") in Law Journal Library.' The results are sorted by 'Relevance' and show 10 results. The left sidebar shows the 'HeinOnline's PathFinder' hierarchy, with 'Commerce' selected under 'Social Sciences'. The main results area shows four items, each with a checkbox, title, citation, author, and PathFinder Subjects. The first item is 'The Impact of UNITED STATES v. Lopez: The New Hybrid Commerce Clause [article]' by Stephen M. McJohn. The second item is 'Constitutional Law - Commerce Clause - State Taxation - Apportionment of Sales Taxes [decisions]' by David J. Grecco. The third item is 'Constitutional Law - Commerce Clause - Regulation by Congress [decisions]' by John W. Boyle. The fourth item is 'Pennsylvania's Manufacturing Exemption to the Capital Stock Tax, When Limited to Manufacturing within Pennsylvania, Violates the Commerce Clause PPG Industries, Inc. v. Commonwealth [decisions]'.

HeinOnline's PathFinder

See Graphical Hierarchy

Expand All Collapse All

A. Applied Sciences

B. Humanities

C. Industries

D. Natural and Formal Sciences

E. Social Sciences

a. Community and Society Studies

b. Criminal Justice

c. Disability Studies

d. Economics

e. Family Studies

f. Gender and Sexuality

g. Government and Politics

1. Administrative Law

2. Checks and Balances

3. Constitutional Law, Generally

Commerce

i. Clause

ii. Commerce Clause

iii. Constitutional Amendment

Results 1-10 of 5,083 items searching for (all_topics_ms:"Commerce Clause") in Law Journal Library.

Sort by: Relevance 10 Results

Check All Uncheck All MyHein Options Save/Email

1. **The Impact of UNITED STATES v. Lopez: The New Hybrid Commerce Clause [article]**
Duquesne Law Review, Vol. 34, Issue 1 (Fall 1995), pp. 1-40
 McJohn, Stephen M. (Cited 216 times)
 34 Duq. L. Rev. 1 (1995-1996)
 PathFinder Subjects: Commerce; Commerce Clause; Constitutional Law, Generally; Criminal Law and Procedure; Federalism; Political Theories and Ideologies

2. **Constitutional Law - Commerce Clause - State Taxation - Apportionment of Sales Taxes [decisions]**
 Recent Decision
Duquesne Law Review, Vol. 34, Issue 1 (Fall 1995), pp. 139-162
 Grecco, David J. (Cited 1 times)
 34 Duq. L. Rev. 139 (1995-1996)
 PathFinder Subjects: Commerce; Commerce Clause; Constitutional Law, Generally; Sales; Taxation--Transnational; Taxation; Taxation--State and Local

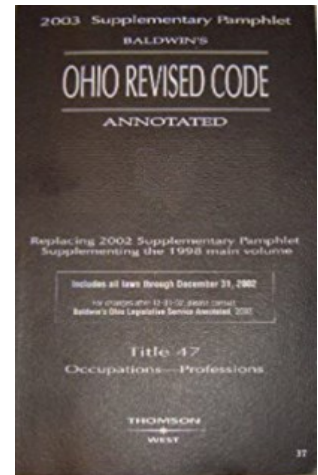
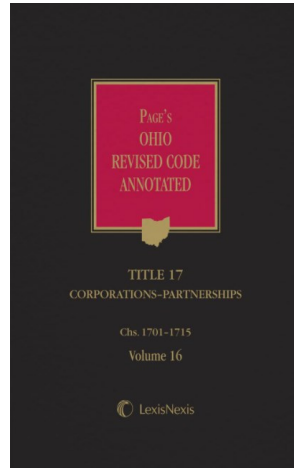
3. **Constitutional Law - Commerce Clause - Regulation by Congress [decisions]**
 Recent Decision
Duquesne Law Review, Vol. 34, Issue 1 (Fall 1995), pp. 187-214
 Boyle, John W. (Cited 9 times)
 34 Duq. L. Rev. 187 (1995-1996)
 PathFinder Subjects: Commerce; Commerce Clause; Constitutional Law, Generally; Congress; Legislative Branch; State and Local Government Law; Jurisprudence

4. **Pennsylvania's Manufacturing Exemption to the Capital Stock Tax, When Limited to Manufacturing within Pennsylvania, Violates the Commerce Clause PPG Industries, Inc. v. Commonwealth [decisions]**
 The Pennsylvania Issue: Recent Decision
Duquesne Law Review, Vol. 38, Issue 3 (Spring 2000), pp. 973-994

For more information on HeinOnline's PathFinders see their August 26, 2021 blog post.

<https://home.heinonline.org/blog/2021/08/introducing-pathfinder-a-suite-of-multidisciplinary-browse-and-search-tools/>

Lyndsey Barnett is the a member of Graydon's Employee Benefits & Executive Compensation Practice Group and serves on its Executive Committee. One aspect of Lyndsey's practice involves counseling employers with respect to the development of employee benefit strategies to assist in attracting, motivating and retaining a high quality work force. As a former tax associate for a Big Five accounting firm, Lyndsey understands the cost and financial impact that benefit decisions have on a company's bottom line. Lyndsey takes a practical approach with clients and encourages them to be proactive with their benefit strategies. She enjoys presenting on benefit topics and frequently does so both locally and regionally.



A Lawyer Explains...

In partnership with the Cincinnati Bar Association's Lawyer Referral Service, we've recently rolled out a new [blog](#) called "A Lawyer Explains..." in which attorneys offer their thoughts on various legal topics. The Cincinnati & Hamilton County Public Library provided us with inspiration for our initial content based on questions that frequently arise in their daily interactions with the public, and the Lawyer Referral Service has been connecting us with attorneys to author posts. Please see Vanessa's [blog post](#) for more details about the program, and please don't hesitate to contact [Vanessa](#) if you'd like to write a post!

Legislative History Research

Here at the Law Library we frequently get questions about accessing older versions of statutes. Did you know that we have a robust print collection of Ohio statutes, dating all the way back to the Laws of the Northwest Territory? We also have access to historical statutes and session laws from all 50 states via HeinOnline. In Hein, state statute coverage goes back to 1717 and session law libraries go back to inception. Our government subscribers, attorneys in solo practice, and attorneys working in firms with full subscriptions (under 50 attorneys) can easily access Hein from their homes or offices to make use of these databases as needed.

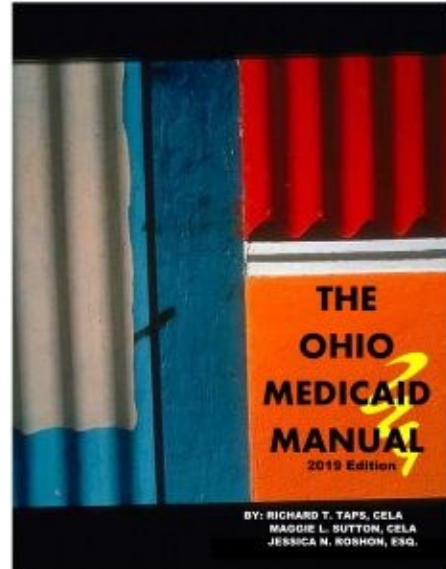
We also know, though, that legislative history research can be cumbersome and time-consuming, so we're happy to do the legwork for you. And, "our little secret," legislative history research can feel a bit like a treasure hunt, rewarding and fun, so we're always happy to help!

If you'd like info on how to access HeinOnline, our print collection, or for us to conduct some legislative history research for you please feel free to email reference@cms.hamilton-co.org or call 513-946-5300.

Resource Highlight: Ohio Medicaid Manual

The Ohio Medicaid Manual is a consistently popular resource at the Law Library. Published by Taps & Sutton, LLC, the manual serves as a valuable training resource for attorneys on the intricacies of Ohio Medicaid Law. We've recently updated this resource to the most current version and recommend any practitioner dealing with this area of law to take a look.

Want to check this out, or make a suggestion about other titles we should add to our collection? Feel free to call us at 513-946-5300 or email reference@cms.hamilton-co.org.



Law Library Board Meeting

The Hamilton County Law Library Resources Board will next meet on Wednesday, October 6 at 12pm. Meetings of the Hamilton County Law Library Resources Board are open to the public. The meeting will be held in the Robert S. Kraft Boardroom in the Law Library.

Topical Updates

We are excited to announce the new design of the Topical Updates for 2021. If you have not signed up before and would like to start receiving substantive bi-weekly updates in one or more practice areas, please visit the topical updates page on our website to sign up. You can select from the following areas of law:

- Criminal
- Employment
- Estates and Trusts
- Family Law
- Intellectual Property
- Pension Benefits
- Real Estate
- Tax
- The Supreme Court & Con Law
- Torts



Book Club

The Hamilton County Law Library Book Club is meeting via Zoom, at 12:00 on Thursday, October 21, 2021.

This month's selection is the award winning play *What the Constitution Means to Me*, By Heidi Schreck, which is also available on Amazon Prime, if you prefer to watch the play rather than read the text.

We are very excited to be able to bring you this opportunity.

We'd love for you to join us! If you'd like to participate, please email Amy Kurlansky at akurlansky@cms.hamilton-co.org.

Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to six weeks at a time

Access to extensive legal information databases from the Law Library, including Westlaw, Wolters Kluwer Cheetah™, Overdrive e-books, HeinOnline, and Loislaw treatises

Wireless network throughout the Law Library

Polycom videoconferencing

Eight meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

CLE seminars throughout the year, on legal research and substantive topics

Subscribers' lounge, magazines, daily newspapers, and coffee

Bi-weekly news alerts by practice area

Discounted rates for photocopying

In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/LOISLaw treatises, HeinOnline (for under 50 attorney firms), EBSCOhost, and Wolters Kluwer Cheetah™

Upcoming CLEs—Live Interactive Webinars

Monday, November 29, 2021, 12-1 PM

We Don't Know We Don't Know: Future Pandemics and Dynamic Decision Taking

Presenter: Bradley Hoyt

1.0 General credit in OH and KY applied



CLEs on Demand

The Hamilton County Law Library is proud to announce that the following self study CLEs are available in our on-demand library:

Elder Abuse Awareness (1.0 general hour in OH)

Medicaid Planning (1.0 general hour in OH)

Complex Appeals in Ohio (1.0 general hour OH)

Fastcase 7 (1.0 general hour in OH)

Mediation (1.0 general hour in OH)

2020 Employment Cases in the US Supreme Court (1.0 general hour in OH)

Trademark & Copyright Law in 60 Minutes (1.0 general hour in OH)

CHANGE Court (1.0 general hour in OH)

Legal Issues & COVID-19 (1.5 general hours in OH)

What Does Stress Have to Do With it? (2.5 hours professional conduct in OH)

The Law of Boxing (1.0 hour in KY)

Health Care Law Resources

Law Library subscribers have access to a variety of Health Care Law Resources, including those listed below. If you have questions about these resources, contact the reference staff at reference@cms.hamilton-co.org or 513.946.5300.

5@55: the 5 essential legal documents you need by age 55

KF750.Z9G75 2015

2019 health care law institute

KFO .H435 2019

The affordable care act and workers' compensation settlements [in Ohio]

KFO341 .A344 2015

The Affordable Health Care Act

KFO341 .A34 2015

The arbitration and grievance process: a guide for health care supervisors

RA971.35 .M457

Biotechnology and the law

KF3133.B56 B533 2007

COBRA: Consolidated Omnibus Budget Reconciliation Act of 1985

KF6289.A1 T35 no. 338

Defending and preventing health care fraud cases: an attorney's guide

KF9368 .D37

Employer's guide to health care reform

KF3821 .H44 2010-2013

Health care administration: planning, implementing and managing organize delivery systems

RA971 .H384 1999

Health Care fraud and abuse: practical perspectives

KF3605 .H43 2013

Health Law

KF3821 .H4343 2015

Medical Law

KFO326 .M43 2015

Online Resources

EBSCO

Get It Together

Nolo's Guide to Social Security Disability

Fastcase

Social Security and Medicare Answer Book

HeinOnline

Health Law Litigation

Health Lawyer

Overdrive

Medical Records Privacy Under HIPPA

USCS Public Health and Welfare, 42 USCS §§ 701--1320e-3

Westlaw

Attorneys Medical Deskbook 4th

Guide to Medical Privacy and HIPPA

Health Matrix: Journal of Law-Medicine

Houston Journal of Health Law & Policy

Indiana Health Law Review

Journal of Health Care Law and Policy

Mental & Physical Disability Law Reporter

Upcoming Events:

Monday, October 11, 2021: Library Closed

Thursday, October 21, 12-1, 2021: HCLL Book Club meeting, 12 pm (on ZOOM)

Tuesday, November 2, 2021: Library closes at 12:30 PM (Election Day)

Thursday, November 11, 2021: Library Closed (Veteran's Day)



October 2021 Law Library Newsletter

- INSIDE THIS MONTH**
- Tech tip: HeinOnline's Pathfinders
 - Board Meeting
 - Health Care Law Resources

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